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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,078

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Rodney Edward Thomas

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7590

05/31/2006

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,078	<b>Applicant(s)</b> THOMAS, RODNEY EDWARD	
	<b>Examiner</b> Joseph F. Edell	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 May 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,900,087 to Crisp in view U.S. Patent No. 5,516,194 to Maule.

Crisp discloses a seat assembly that is basically the same as that recited in claims 1-5 except that the first child seat portion lacks an open position wherein the first child seat portion rests on the seat and the second component of the infant restraint system is not specified as being on the second child seat portion, as recited in the claims. Figures 1-5 of Crisp teach a seat assembly having a seat 12 (see Fig. 2), a first

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child seat portion 28, a second child seat portion 30, an infant restraint system (Fig. 4), a backrest 16 with a vertically oriented receptacle 22 disposed centrally in the backrest sized to receive the infant restraint system and the first and second child seat portions, opposed first and second sides of the first child seat portion, a first axis 32 of the backrest interconnected to the first side of the first child seat portion so as to swing from a closed position when retained within the receptacle of the backrest and an open position when pivoted out of the receptacle to a position above the seat, a first component 64 (Fig. 4) of the infant restraint system on the first child seat portion, a second axis 34 of the second side of the first child seat portion is pivotally interconnected to the second child seat portion so as to selectively swing from a closed position with the second child seat portion is adjacent to the first child seat portion to an open position extending from the second side of the first child seat portion when the first child seat portion is pivoted to be above the seat, a second component 62 (Fig. 4) of the infant restraint system, a first seating surface (see Fig. 1) of the first child seat portion disposed adjacent the receptacle, an opposed second seating surface 28a of the first child seat portion that is exposed as a backrest when the first child seat portion is retained within the receptacle, a first seating surface (see Fig. 2) of the second child seat portion forming an infant back-supporting surface when the second child seat portion is selectively disposed in the open position about the second axis, a second seating surface 30a of the second child seat portion the includes a child seating surface opposite the infant back-supporting surface, and an upholstered surface on the second

seating surface whereby the seat assembly may be selectively used for seating an adult, a toddler, and an infant.

Maule shows a seat assembly similar to that of Crisp wherein the seat assembly has a seat 22' (Fig. 4), a backrest 20' (Fig. 4) with a vertically oriented receptacle, a first child seat portion 32 (Fig. 7) pivotally interconnected at a first axis 50 (Fig. 4) of the backrest so as to swing from a closed position when retained within the receptacle of the backrest and an open position when pivoted out of the receptacle to a position at a rest on the seat. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat assembly of Crisp such that the first child seat portion rests on the seat when pivoted out of the receptacle to the open position, such as the seat assembly disclosed in Maule. One would have been motivated to make such a modification in view of the suggestion in Maule that the first child seat portion resting on the seat allows proper support of the seat portion when in the open position and provide a seat portion that may be used as an armrest for an adult.

While the first component of the infant restraint system is clearly connected to the first child seat portion via slot 66, the connection of the second component is not specifically set forth in Crisp. However, it would have been obvious, if not inherent, to have the second component on the second child seat portion to make a unitary member since it is within the general skill of a worker in the art to make plural parts unitary as a matter of obvious engineering choice. Further, it would have been obvious to modify the second component of the infant restraint system of Crisp by forming the second

component on the second child seat portion to facilitate assembly of the infant restraint system.

### ***Response to Arguments***

4. Applicant's arguments filed 15 May 2006 have been fully considered but they are not persuasive. Applicant argues that Crisp fails to teach first and second components of the infant restraint system being located on the first and second child seat portions, respectively, because the restraint components 52,54,56 are located on insert 42 and not the first and second child seat portions. Examiner agrees that restraint components 52,54,56 are located on insert 42. However, Crisp also teaches having first and second components of the infant restraint system restraining a toddler when in the forwardly facing position of the seat assembly that are located on the child seat portions, not on insert 42. As these components are connected to the child seat portions, Crisp teaches these limitations of amended claim 1 for reasons set forth above.

Please note, Applicant's discussion of the criteria of for a prima facie case of obviousness have been considered and Examiner maintains that these criteria are met by the above 35 U.S.C. § 103(a) rejection.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE

May 29, 2006



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